MINUTES OF THE REGULAR MEETING OF THE PLANNING COMMISSION CITY OF EDINA, MINNESOTA CITY COUNCIL CHAMBERS FEBRUARY 12, 2014 7:00 PM

I. CALL TO ORDER

II. ROLL CALL

Answering the roll call were: Scherer, Schroeder, Fischer, Potts, Kilberg, Halva, Carr, Platteter, Forrest, Grabiel

Absent from the roll: Staunton

III. APPROVAL OF MEETING AGENDA

Commissioner Potts moved approval of the meeting agenda. Commissioner Carr seconded the motion. All voted aye; motion carried.

IV. APPROVAL OF CONSENT AGENDA

Commissioner Scherer moved approval of the January 8, 2014, meeting minutes. Commissioner Potts seconded the motion. All voted aye; motion carried.

V. COMMUNITY COMMENT

Chair Platteter asked if anyone would like to speak; being none, Commissioner Fischer moved to close community comment. Commissioner Grabiel seconded the motion. All voted aye; public comment closed.

VI. PUBLIC HEARINGS

A. Variance. Sybesma. 4015 Wood End Drive, Edina, MN.

Planner Presentation

Planner Aaker informed the Commission the subject property is located on the east side of Wood End Drive consisting of a rambler with an attached two car garage built in 1951. The lot is 9,373 square feet in area with existing lot coverage of 21%. The owners are hoping to tear down the existing home and replace it with a two and $1\frac{1}{2}$ story home while maintaining the existing attached two car garage. The

existing garage is forward of the required front yard setback. The owners would like to locate the new home consistent with the existing front yard setback of the current home and connect the garage with a new breezeway. The existing attached garage is nonconforming, extending into the required front yard setback. The plan incorporates the existing garage and attaches it to the new house. The attachment to the garage overlaps the front yard setback.

Aaker explained that the current home/attached garage is located 16.1 feet from the front lot line. The zoning ordinance requires that the new home maintain the average front yard setback of the homes on either side. The home to the south is located 58.3 feet from Wood End right-of-way and the home to the north is located 18.8 feet from Wood End resulting in an average front yard setback for the property of 38.5 feet. The new home will be setback from the front lot line approximately 31.79 feet, which is a greater distance from the front lot line than the existing home. The front north corner of the new home will be the closest building point to the street with the remainder of the front façade farther from Wood End Drive and farther from the front lot line than the existing. The new home is proposed to be a walk-out with back yard views towards the east.

Concluding, Aaker recommended approval of the requested variance based on the following findings:

The proposal meets the required standards for a variance, because:

- a) The practical difficult is caused by the location of the home to the south.
- b) The encroachment into the setback improves upon an existing nonconforming setback that was established when the original home was built in 1951 and was conforming at that time.

and subject to the following condition:

1. The home must be construction per the proposed plans date stamped, January 28, 2014

Appearing for the Applicant

Eric and Staci Sybesma

Discussion

Commissioner Schroeder asked if the City allows the creation of "flag" lots. Planner Aaker responded that a "flag" lot would not be allowed without the benefit of a variance.

A discussion ensued with Commissioners in agreement that the request was reasonable and that it made sense given the current front yard setback situation.

Chair Platteter asked if anyone would like to speak to the issue; being none; Commissioner Forrest moved to close the public hearing. Commissioner Fischer seconded the motion. All voted aye; public hearing closed.

Motion

Commissioner Carr moved variance approval based on staff findings and subject to staff conditions. Commissioner Grabiel seconded the motion. All voted aye; motion carried.

B. Variance. Mollet. 5212 Duncraig Road, Edina, MN

Planner Presentation

The subject property is located west of Duncraig Road consisting of a rambler with an attached two car garage owned by Kevin and Kristi Mollet. The home was built in 1954 on the northern most portion of the site. The homeowners have indicated that they are in the final phase of a three phase project to bring the 1950's rambler up to modern building standards. The first two phases included updating the main level, an exterior face lift with new windows throughout.

Planner Aaker explained that the owners were planning the next phase of their project that adds a second floor to include new bedrooms, laundry and baths and a four foot extension of the garage width to the north on the main level. The proposed improvements conform to all of the setback and height requirements with the exception of the north side yard setback proposed for the garage addition. The existing garage is an under sized two car garage that provides an interior side yard setback of 9.4 feet. The minimum side yard setback for an attached garage is 10 feet. Prior to the zoning ordinance change as of January 1, 2014, the side yard setback for an attached garage was 5 feet. The owners had planned their addition based on the previous setback standard and prior to ordinance amendment.

Aaker further noted that the ordinance requires a minimum 10 foot side yard setback for a garage. The existing garage is currently nonconforming at a little over 9 feet from the north lot line. The owners would like to decrease the setback from the north lot line to be 5.4 feet to the north lot line. The adjacent property to the north is a through lot addressing from and with the home fronting from Lochloy, and with back yard area adjacent to the proposed improvements. The new north wall of the garage will be next to open space on the lot next door.

Planner Aaker concluded the zoning ordinance was amended to address mounting concerns regarding the size, mass, proximity and height of tear-down/rebuilds, (new homes), and additions to existing homes. The existing garage is already closer to the side yard than deemed appropriate by the new code and a variance would reduce the garage side setback even more. It is difficult for staff to support or recommend approval of a variance from the recently amended code, January 1, 2014, that was

considered over many months of public input, thoughtful discussion and that as a result was intentionally crafted to provide deeper setbacks from side yards to preserve adequate spacing.

Appearing for Applicant

Kevin and Kristi Mollet

Discussion

Commissioner Potts asked if the Planning Commission were to deny the variance would the applicant still be able to construct the 2nd story addition to the home. Planner Aaker responded in the affirmative. She explained that the second floor addition of two new bedrooms, laundry and baths could proceed; however, a variance is needed to increase the size of the existing garage.

Commissioner Platteter questioned if the variance is the result of the recent "cleaning" up of the Code. Planner Aaker responded in the affirmative.

Applicant Presentation

Mrs. Mollet addressed the Commission and explained their expansion process has been in progress for a number of months and they were surprised to find that the Code changed; now requiring them to apply for a variance. Mrs. Mollet said at present their "two-stall" garage is undersized at only 19-feet. The addition of 4-feet would bring the "two-stall" garage up to normal standards for a two-stall garage. Mrs. Mollet concluded asking the Commission for their support.

Discussion

Commissioner Platteter asked Mrs. Mollet if she spoke to the immediate neighbors. Ms. Mollet responded in the affirmative.

Public Testimony

A neighbor at 5269 Lochloy Drive told the Commission his concern is with the 2nd story addition. He stated he believes if the second story is constructed as submitted their privacy would be compromised. He explained that his daughter's bedroom windows would be impacted by the addition.

Jayne Boyle, 5265 Lochloy (property to the north) stated her only reservation with the current plan is the potential for water run-off, adding she doesn't want to be negatively impacted by the run-off from this project.

Discussion

Commissioner Fischer asked Planner Aaker how a resident and/or builder is alerted to Code changes. Planner Aaker said meeting regularly with staff and keeping up with the Sun Current helps; otherwise one wouldn't know.

Commissioner Grabiel said this is a sensitive situation because the property next door is a through lot.

Commissioner Scherer asked Planner Aaker to clarify the variance request. Planner Aaker explained that the variance requested is only for the garage, adding the applicant is requesting a 4.6-foot setback from the north property line to increase their undersized garage. Aaker further explained that the 2nd story addition conforms to Code and would be built. The variance has no bearing on the 2nd floor addition.

Commissioner Carr acknowledged the recent changes to the Code created this situation; however, she doesn't believe there is a "grace-period" for compliance. Carr stated she cannot support the variance as presented.

Commissioner Forrest asked Planner Aaker what she would consider a functioning two-stall garage. Planner Aaker explained that currently the Code has no set standards for garage size; however, 20-feet is the smallest width she could recommend for two stall garage. She added on the building plans she reviews two-stall garages are usually between 22-24 feet wide; 19 is undersized.

Commissioner Carr said she is sympathetic; however with the recent Code changes she cannot support the request.

Commissioner Forrest said to her the difficulty in this is that the City of Edina requires two stall garages and questioned if the existing garage "really" is a two stall garage.

Motion

Commissioner Grabiel moved variance approval based on staff findings and subject to staff conditions. Commissioner Carr seconded the motion. Ayes; Scherer. Nays; Schroeder, Potts, Fischer Carr, Forrest, Grabiel, Platteter. Motion failed.

C. Subdivision. Homestead Partners, 6304 and 6312 Warren Ave., Edina, MN

Planner Presentation

Planner Teague informed the Commission Homestead Partners LLC is proposing to subdivide the properties at 6304 and 6312 Warren Avenue into three lots. He noted the existing two homes would be torn down, and replaced with three new homes.

Continuing, Teague pointed out the proposed subdivision meets all of Edina's Zoning Ordinance requirements, and staff recommends that the City Council approve the proposed three lot subdivision of 6304 and 6312 Warren Avenue for Homestead Partners based on the following findings: the proposal meets all the required standards and ordinances for a subdivision and the applicant is proposing to provide year round screening for the existing homes to the west and south with a row of 21six-foot tall Black Hills Spruce and 32 six-foot tall Techy Arborvitae along the south and west lot lines. The final finding is that MnDOT has expressed a willingness to allow access to 63^{rd} Street

Concluding, Teague stated staff also recommends approval subject to the following conditions:

- 1. The City must approve the final plat within one year of preliminary approval or receive a written application for a time extension or the preliminary approval will be void.
- 2. Park dedication fee of \$5,000 must be paid prior to release of the final plat.
- 3. Sewer line must be extended in the street, not in the front yard of the private property. Water connections shall be made directly from the street.
- 4. Drainage and Utility Easements shall be revised on the Final Plat to reflect removing the sewer and water lines from the front yards of the three Lots. The easement along the front lot lines (63rd Street) shall be 10 feet.
- 5. Prior to issuance of a building permit, the following items must be submitted:
 - a. Submit evidence of a Nine Mile Creek Watershed District approval. The City may require revisions to the preliminary plat to meet the district's requirements.
 - b. Curb-cut permits must be obtained from the Edina engineering department.
 - c. A grading plan subject to review and approval of the city engineer is required for each building permit.
 - d. A construction management plan will be required for the construction of the new homes.
 - e. Utility hook-ups are subject to review and approval of the city engineer.

Appearing for the Applicant

Stephen Bona

Discussion

Commissioner Platteter asked Planner Teague if the east lot would require variances. Planner Teague responded no variances from the subdivision ordinance are required for that lot; or any of the lots. Continuing, Platteter asked why the exclusion of homes across the highway. Planner Teague explained a conscious decision was made exempting lots on the other side of highways 100 and 169. Teague said those in the opinion of the Council those highways clearly separated neighborhoods. Platteter also asked if the grading plan submitted with the application was adequate. Teague responded in the affirmative. He also noted that each lot would be individually reviewed for grading at the time of building permit review to ensure compliance with the plat.

Commissioner Grabiel said to him the request was reasonable; but indicated a small concern with the driveway on Lot I that accesses 63rd Street near the Wyman intersection. Planner Teague said the City Engineer didn't see that as an issue. Commissioner Fischer said the driveway placement for Lot I really isn't unusual and more common than one thinks. He added there are similar conditions in his neighborhood.

Commissioner Potts suggested if the presented arrangement isn't acceptable it may be possible to readjust the lots lines to minimize any negative perceptions if so desired.

Commissioner Forrest asked if the Commission is recommending to the City Council. Planner Teague responded in the affirmative.

Commissioner Scherer asked who pays for the sewer and water hookups. Planner Teague responded the developer is responsible for fees accrued.

Commissioner Carr recommended that the developer save as many trees as possible.

Applicant Presentation

Mr. Bona, Homestead Partners, informed the Commission that a neighborhood meeting was held and he spoke with most of the immediate neighbors and at that time landscaping and screening options were discussed and agreed to be implemented. Bona said that in his opinion drainage would be improved because of the addition of a swale. Bona also indicated that all conditions established for approval would be met. Concluding, Bona said as many trees as possible would remain along the perimeter of the property.

Commissioner Forrest said she has a concern with the existing trees and wants every effort made to preserve as many trees along the perimeter of the property as mentioned. Continuing, Forrest commented on the landscaping plan that included evergreens and asked if there was a particular reason

for choosing evergreens. Mr. Bona responded that evergreens are an excellent tree to use for screening.

Commissioner Platteter asked the applicant to do the best he can in retaining and maintaining the existing vegetation. He pointed out it is also in the best interest of the developer to retain as much vegetation as possible including the additional landscaping measures to ensure privacy and screening.

Chair Platteter opened the public hearing

Public Testimony

Kathleen Shoemaker, 6316 Warren Avenue said the focus of her concerns is adequate screening of the common lot line; drainage, construction noise and vehicle traffic during the construction process. Shoemaker also noted that a huge tree is breaking up her driveway, adding she would like that also looked at.

Chair Platteter informed Ms. Shoemaker that the City now as a construction maintenance management plan code with an enforcement officer, Cindy Larson. Any issues during the construction process can be addressed through her.

Mr. Bona responded to Ms. Shoemakers comment on drainage explaining that a drainage swale would be developed that should address any drainage issues. Bona also asked Ms. Shoemaker to contact him about the tree and driveway issue she mentioned.

Chair Platteter asked if anyone else would like to speak to the issue; being none; Commissioner Grabiel moved to close the public hearing. Commissioner Potts seconded the motion. All voted aye; public hearing closed.

Discussion and Motion

Commissioner Carr stated that she believes the plan as presented to include certain tweaks is reasonable and she can support it.

Commissioner Carr moved subdivision approval based on staff findings and subject to staff conditions. Carr said she would like included as an additional condition that the applicant submit a landscaping plan to Council that depicts trees saved, removed and replaced. Special care should be given to the trees in the northeast corner of the site. Commissioner Grabiel seconded the motion. All voted aye; motion carried.

A discussion ensued on trees with Commissioners observing the majority of the trees on this property are Ash; which in the proposed tree ordinance is considered removable. While acknowledging that point the Commission indicated they want assurances that trees whenever possible would be retained and additional landscaping would be planted to screen neighbors as indicated.

Mr. Bona agreed to do his best, adding he wants the Commission to know that trees would be removed to accommodate the utility services, building pads and driveways; however, a landscaping plan and/or list would be submitted for City Council review as requested by the Commission.

VII. REPORTS AND RECOMMENDATIONS

A. TIF Resolution - Pentagon Park Proposal Consistency with the Comprehensive Plan

Commissioner Fischer recused himself from the vote; explaining he works with the City on Tax Increment Financing.

Chair Platteter asked Planner Teague if the Commission is being asked to specify that the intent of the Pentagon Park Proposal/TIF District is consistence with the Comprehensive Plan. Planner Teague responded in the affirmative.

Bill Neuendorf addressed the Commission explaining the City has hired Nick Anhoff of Ehlers & Associates to help create a Pentagon Park Tax Increment Financing District.

Motion

Commissioner Grabiel moved to adopt the Resolution finding that proposed TIF Plan and modifications to the Redevelopment Plan conforms to the general plans for development and redevelopment of the City. Commissioner Schroeder seconded the motion. All voted aye; motion carried.

B. Sketch Plan Review - 5108 Edina Industrial Boulevard, Edina, MN

Planner Presentation

Planner Teague reminded the Commission Frauenshuh presented a redevelopment sketch plan in 2013 on this site. At that time their intent was to remodel the existing office building into retail space. Continuing, Teague said at this time Frauenshuh is proposing to rezone the site from POD, Planned Office District I, to PCD-2, Planned Commercial District and tear down the existing structure and build two new buildings with retail and office use.

Teague asked the Commission for their comments.

Appearing for the Applicant

David Anderson

Discussion

Commissioner Platteter noted that previously the City Council indicated a small area plan was not required for this redevelopment, adding he wonders if that decision would change if this was split into two lots. Planner Teague said the Council as they did with the previous sketch plan would decide if this proposal met the threshold to initiate a small area plan.

Applicant Presentation

Mr. Anderson told the Commission the property consists of 1.3 acres with an existing one-story multi-tenant building. Anderson said in July 2013 they appeared before the Commission with a renovation concept of all retail. The Commission found the retail aspect acceptable, but had certain circulation and parking concerns. Continuing, Anderson explained the proposal before the Commission is a two-building redevelopment. The existing building would be removed and two new buildings would be constructed in phases depending on the timing of tenant occupancy.

Discussion

Commissioner Forrest stated she likes the new plan; however is a little disappointed that once again the buildings are in a sea of asphalt. Forrest suggested that if the applicant proceeds with a formal application they need work on creating a more pedestrian friendly attractive area.

Commissioner Schroeder said as proposed the site doesn't appear to be pedestrian oriented. He said he also feels the landscaping doesn't meet the goal the Commission has set for redevelopment. Continuing, Schroeder also commented that he has concern with the directional flow of the proposed drive-through. Concluding, Schroeder said if the trend in this area is redevelopment one parcel at a time this may be a good time to consider a small area plan. Developing on a lot to lot basis doesn't create cohesiveness.

Commissioner Potts agreed with previous comments and added the site as presented appears over parked and in his opinion minor changes could occur to better address pedestrian access and introduce more green space on the site. Concluding, Potts also suggested that the development team take another look at the location of the trash enclosure.

Commissioner Carr indicated she liked the concept of two different buildings; however believes the building(s) should be moved farther forward, adding additional green space and parking to the rear.

Mr. Anderson responded that their goal this evening was to get feedback on the two building retail concept. He added they are considering incorporating wider sidewalks and an enhanced plaza seating area, creating a more pedestrian feel to the development.

Commissioner Grabiel added that he supports the idea of retail in this location; adding, it's needed. Continuing, Grabiel pointed one the City needs to be careful in their attempts to bring buildings to the street because in his opinion it hasn't always been successful.

Commissioner Platteter said he too agrees that the site may be over-parked; adding another concern he has is with the drive-through circulation. Continuing, Platteter stated he was a bit disappointed with the layout of the site adding in his opinion both options; pedestrian friendliness, reduced parking with more landscaping could be accomplished. He concluded that the goal of this development should be to provide options for the public; walkers, vehicles, everyone.

Nick Sperides responded that they considered other options for the drive-through facility acknowledging the difficulty of a drive-through. Continuing, Sperides said that the drive-through set up was designed as presented because most of the traffic flow is off Edina Industrial Boulevard. He acknowledged the path to the drive-through is circuitous, adding he was willing to take another look at it. Concluding, Sperides said the goal was to develop a high quality neighborhood retail service area. He stated they would review the circulation patterns and adjust as needed.

Commissioner Grabiel questioned if the drive-through was really needed.

Commissioner Scherer commented that she was disappointed there wasn't a safer route to get from the sidewalk to the proposed coffee shop

Chair Platteter suggested that the development team visit the site and create a "mock-up" with cones to ensure that the drive-through flow works safely. Concluding Platteter thanked the applicants and noted the direction moving forward should be to address traffic circulation, especially as it relates to the drive-through, ensure safe pedestrian access, reduce parking, add landscaping and create more common space.

C. Sketch Plan Review - 5100 Edina Industrial Boulevard, Edina, MN

Planner Presentation

Planner Teague addressed the Commission and explained this is another Sketch Plan proposal (same area) to tear down the existing office building and built a new retail office building with drive-through on the north end. Teague explained if the applicant proceeds to accommodate the request a rezoning would be needed from POD, Planned Office District I, to either PCD-2, Planned Commercial District - 2 or PUD, Planned Unit Development.

Teague noted similar to the previous property this property is designated in the Comprehensive Plan as a "Potential Area of Change. Teague reiterated and noted that the City Council did not recommend a Small Area Plan as part of the recent Sketch Plan of the site to the east.

Appearing for the Applicant

Dean Dovolis

Discussion

Commissioner Potts asked Planner Teague if other Departments reviewed the Sketch Plan. Teague responded in the affirmative. Potts asked if there was any mention of visibility concerns resulting from the setback of the building. Teague responded at this time none were raised.

Applicant Presentation

Mr. Dovolis addressed the Commission and explained their presentation is conceptual and is a plan to redevelop the site by demolishing the existing building and associated parking and construct a retail development that includes site improvements.

Dovolis noted that his team was the first to rezone a property to PUD, pointing out that is an option that is on the table along with the option of rezoning to PCD-2 for this project. Dovolis pointed out the site has constraints due to the width at 148-feet. Dovolis stated their proposal plans to locate parking behind and to the side of the new building and create a greener and more environmentally friendly development through creating a more vibrant use and attractive building. Continuing, Dovolis said their intent is to keep some of the trees along the eastern edge of the property and maintain a 5-foot landscape buffer along the north and west property lines. Dovolis stood for questions.

Commissioner Scherer stated she really likes the stone and glass look of the building and supports the street access. She asked Dovolis what use he anticipates for the proposed drive-through. Dovolis responded that the uses they are entertaining are coffee or food. Dovolis further pointed out that the drive-through would not be visible from the street. Continuing, Scherer asked if Dovolis believes the proposal provides enough parking. Dovolis informed the Commission he is working with the Temple to the north on a cross easements agreement for parking and access, adding he believes parking and stacking for the drive-through would work as smoothly as possible.

Commissioner Grabiel stated he likes the glass and reorientation of the proposed building, adding in his opinion this proposal reduces the mass on this corner.

Commissioner Potts commented that he really likes the design of the building, adding he believes it was good strategy to approach the Temple to create cross easements. Concluding, Potts said the solution presented is good and acknowledged the site is challenging.

Commissioner Forrest said she has a concern with vehicles backing up into the drive aisle lane. Mr. Dovolis said diagonal parking is the only way to park, adding it is hoped through the agreement with the Temple that employees could park off the site and visitors would be careful backing up.

Commissioner Schroeder told the Commission he likes the location of the drive-through and the way the mass of the building addresses the street/highway. Schroeder suggested that the applicant find a way to work with MNDOT to the mutual benefit of both to provide better fencing and landscaping to help create a signature look for this building. Schroeder pointed out this building is very visible and a gateway into Edina off the freeway. Dovolis responded he would be happy to work with MNDOT and asked if the City could help facilitate that connection

Chair Platteter echoed Commission comments and said he fully supports working with the Temple on the cross easement arrangement. Platteter also suggested that the subject site; adjacent property to the west, and the Temple talk with each other to create the best redevelopment of the two lots as possible. Platteter thanked the applicant for his presentation.

D. Tree Preservation Ordinance

Planner Presentation

Planner Teague reminded the Commission they have been discussing the proposed tree ordinance for the past couple meetings adding changes were made to the previous draft that need to be discussed. Teague said included in the revisions was the following:

Sec. 10-82. Preservation, protection and replacement of Protected Trees: This ordinance applies to all demolition permits; building permit applications for a structural addition; and building permits for accessory structures including a garage, deck or a pool.

Sec. 10-82 (4) added subject to review of the city forester. The caliper of Protected Trees shall be measured at four and one half feet (4.5') above the ground.

- b. Protected Trees removed in subparagraphs a. and b. above must be replaced with one (I) tree, subject to the species listed above in (2) Definitions and the conditions listed in subparagraphs I. Through e. of paragraph 5 above; and finally;
- (8) The survey must indicate how the Protected Tree would be protected during construction subject to staff review and approval.

Teague also noted that the public hearing on the Tree Preservation Ordinance has been set for February 26, 2014.

Discussion

Commissioner Grabiel said he has one concern which has to do with the City Forester. He said in his opinion the Forester needs a standard rationale statement and/or policy as he reviews trees.

Commissioner Schroeder stated he still is concerned about removing trees that aren't protected; noting they provide significant canopy and ecological aesthetics. Schroeder said he would prefer to see a 1-1 replacement requirement also for removable trees. Platteter said he agrees with that comment, adding this could be addressed and discussed at the public hearing level. Commissioners agreed the public hearing would be the place to get final feedback.

Commissioners indicated the revisions are acceptable and indicated they look forward to the public hearing on March 4th.

VIII. CORRESPONDENCE AND PETITIONS

Chair Platteter acknowledged back of packet materials.

IX. CHAIR AND COMMISSION MEMBER COMMENTS

Commissioner Carr reported that the Living Streets committee has been meeting and making progress. Carr said that the committee recently discussed watershed issues.

Chair Platteter stated that he believes at the Commissions next meeting (26th) they will be saying goodbye to Commissioners Grabiel and Fischer.

X. STAFF COMMENTS

Planner Teague reported that the City Council heard the sketch plan review on the double proposed for West 49th Street. Teague said the Council; like the Commission, supported the use; however believed the plan needed revisions. The applicant indicated he would be back with another plan.

XI. ADOURNMENT

Commissioner Scherer moved meeting adjournment at 10:05 PM. Commissioner Fischer seconded the motion. All voted aye; motion to adjourn carried.

| Respectfully submitted. | |
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